



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gregory W. TERPAY *et al.*

Application No.: 10/754,327

Filed: January 9, 2004

For: **Passive Device for Noise Reduction**

Art Unit: 2837

Examiner: Edgardo San Martin

Atty. Docket: 02708.0152.CNUS02

Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Confirmation No. 7476

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited

by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ☐ 1. This Information Disclosure Statement is being filed;
- ☐ a. Within three months of the U.S. filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ b. Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☐ c. Before the mailing date of a first Office Action on the merits;
 - ☐ d. Before the mailing of a first Office Action after filing of a request for continued examination under § 1.115.

No statement under 37 C.F.R. § 1.97(e) or fee is required.

or;

- ☒ 2. This Information Disclosure Statement is being filed after the period specified in paragraph 1(a)-1(d) above, but before the mailing date of a Final Rejection or Notice of Allowance, or action that otherwise closes prosecution in the application, and
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1), or
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2), or

- ☒ c. Attached is our Check No. 425577 to cover the \$180.00 payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i), and
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1), or
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding International Application _____. An English language version of the International Search Report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present

application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☒ 8. Copies of the documents were cited by or submitted to the Office in Application No. 09/952,526, filed September 14, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 02708.0152.CNUS02.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Bell", with a long horizontal flourish extending to the right.

Michael J. Bell (Reg. No. 39,604)

Andrew Sommer (Reg. No. 53,932)

Date: October 15, 2004

Customer No. 22930

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Substitute for form 1449A/PTO

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STATEMENT BY APPLICANT**

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of

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Complete if Known

Application Number	10/754,327
Filing Date	January 9, 2004
First Named Inventor	Gregory Weston TERPAY
Art Unit	2837
Examiner Name	Edgardo San Martin
Attorney Docket Number	02708.0152.CNUS02

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	us-3,172,630	03-09-1965	Goodman	
	2	us-3,477,665	11-11-1969	LeGrand	
	3	us-3,514,054	05-26-1970	Mard et al.	
	4	us-3,606,233	09-20-1971	Scharton et al.	
	5	us-3,955,783	05-11-1976	Glaze et al.	
	6	us-4,089,494	05-16-1978	Anderson et al.	
	7	us-4,188,171	02-12-1980	Baskin	
	8	us-4,379,678	04-12-1983	Carlock et al.	
	9	us-4,514,143	04-30-1985	Campbell	
	10	us-5,158,048	10-27-1992	Robnett et al.	
	11	us-5,174,552	12-29-1992	Hodgson et al.	
	12	us-5,316,240	05-31-1994	Girard et al.	
	13	us-5,485,813	01-23-1996	Molitor et al.	
	14	us-5,595,372	01-21-1997	Patten	
	15	us-5,600,955	02-11-1997	Sahinkaya	
	16	us-5,603,387	02-18-1997	Beard et al.	
	17	us-5,687,948	11-18-1997	Whiteford et al.	
	18	us-5,014,816	05-14-1991	Dear et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	19	WO 98/16916	04-23-1998	Lord Corporation		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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First Named Inventor

Gregory Weston TERPAY

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2837

Examiner Name

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Attorney Docket Number

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